IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINETEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 8095 of 1993

Between:

M/s. Sree Sarada Ferro Alloys Ltd., Rep. by Director (Finance) B.V. Nageswara Rao, Ravivalasa (V), Tekkali (M),
Srikakulam Dist.

..... PETITIONER

AND

1 The Govt. of India rep. by Secretaray
Ministry of Labour, New Delhi
2 The Cess Commissioner Ministry of Labour, Labour Welfare

Organisation, G.P.O.A. Complex, Ground Floor,
Block No.V, Sultan BAzar, Hyderabad
3 The Orissa Mining Corpn. Ltd. rep. by Manager (F&A),
Chrome Ragion, Jaipur Road,
Cuttak Dist., Orissa State
4 The Mysore Minerals Ltd., rep. by Asst. General Manager

(Mktg. Min) 39, Mahatma Gandhi Road, Bangalore
5 The Tata Iron & Steel Co. Ltd. rep. by Manager
Sukinda Chromite Mine, P.O. Kalaringatta,
Cuttak Dist., Orissa State

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or an order or a direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in demanding the petitioner to pay the cess on sale of Chrome Ore/Manganese Ore payable by the suppliers of raw

material as highly illegal, arbitrary, unjust, void, high-handed and voilative of Article 19(1)(g) of the Constitution of India and pass such other order or orders as the Court may deem fit in the circumstances of the case.

Counsel for the Petitioner :MR.V.N.BABU DUBA

Counsel for the Respondents: MR.L.RAVICHANDER

The Court made the following

O R D E R (Per the Hon'ble Sri Justice Bilal Nazki):

This writ petition has been filed by M/s Sree Sharada Ferro Alloys Limited, Ravivalasa Village, Tekkali Mandal, Srikakulam District.

Learned counsel for the respondents, however, submits that the Company is not in existence and that even he has received letters from the learned counsel for the petitioner, in the year 1995, which shows as M/s.G.M.R.Vasavi Industries Limited (formerly M/s. Sree Sharada Ferro Alloys Limited). So, even in the year 1995, M/s. Sree Sharada Ferro Alloys Limited, was not in existence. As such, the writ petition is not maintainable.

Accordingly, we dismiss the writ petition. No order as to costs.

_____

(BILAL NAZKI, J)

19th August, 2004.

_____

(S.ANANDA REDDY, J)

vrn

To

1 The Secretary, Govt. of India, Ministry of Labour, New Delhi
2 The Cess Commissioner, Ministry of Labour, Labour Welfare

Organisation, G.P.O.A. Complex, Ground Floor,
Block No.V, Sultan Bazar, Hyderabad
3 The Manager, Orissa Mining Corpn. Ltd., Chrome Region,

Jaipur Road, Cuttak Dist., Orissa State
4 The Asst. General Manager, Mysore Minerals Ltd.,

(Mktg. Min) 39, Mahatma Gandhi Road, Bangalore
5 The Manager, Tata Iron & Steel Co. Ltd., Sukinda Chromite

Mine, P.O. Kalaringatta, Cuttak Dist., Orissa State

6 Two C.D. copies